
REMARKS**Rejections Under 35 U.S.C. § 102**

Claims 44-47 were rejected under 35 U.S.C. § 102 (e) as being clearly anticipated by Konefal et al. (U.S. Patent 6,039,195). Applicant strongly traverses this rejection. In fact, as been admitted by the Office *in the current Office Action*, “Konefal et al., US 6,039,195 does not disclose that the cap and container have disjointed threads.” (see Office Action, page 9, paragraph labeled “13”).

Claim 44 recites “a threaded vessel having a vessel flange of substantially the same shape as the cap flange.” The Office Action makes no mention of such an element in Konefal et al. In fact, it is clear from a reading of Konefal et al., and from viewing the Figures thereof, that the cap flange and the vessel flange are of different shapes. This is in direct contrast to the requirement of the claim. As such, each and every element of the claims has not been shown, and the rejection is improper.

Applicant has further reviewed Konefal et al. and found no indication or suggestion in either of a threaded cap that is secured to a threaded vessel after being rotated in one direction *approximately 180 degrees or less*, as in claim 44. The Office Action states that such a feature is inherent, but can point to no clear reasoning on this point. The conclusion of the Office Action is that a single thread “inherently implies that it may only take require a slight turn of the cap to be secured to the vessel.” This is not inherency. Further, the locking nature of the cap of Konefal et al. requires that the cap be turned specifically far enough to lock the cap to the vessel. No inherency has been shown, and as such, Konefal et al. lacks this element as well. Konefal et al. does not include or suggest what is included in claim 44, and claim 44 should be allowed.

Claim 45 depends directly from claim 44 and thus includes patentable limitations of claim 44. Therefore, claim 44 should be allowed.

Claim 46 includes securing the threaded cap to the threaded vessel a first time by rotating the threaded cap in one direction approximately 180 degrees or less. Applicant has further reviewed Konefal et al. and Long, Jr. and found no indication or suggestion in

either of a threaded cap that is secured to a threaded vessel after being rotated in one direction *approximately 180 degrees or less*, as in claim 46. The Office Action states that such a feature is inherent, but can point to no clear reasoning on this point. The conclusion of the Office Action is that a single thread “inherently implies that it may only take require a slight turn of the cap to be secured to the vessel.” This is not inherency. Further, the locking nature of the cap of Konefal et al. requires that the cap be turned specifically far enough to lock the cap to the vessel. No inherency has been shown, and as such, Konefal et al. lacks this element as well. Konefal et al. and Long, Jr. alone or in combination do not include or suggest what is included in claim 46, and claim 46 should also be allowed.

Claim 47 depends directly from claim 46 and thus includes patentable limitations of claim 46. Therefore, claim 46 should be allowed.

Claims 1-3, 18, 40-47 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Ryder (U.S. Patent 4,579,823). Applicant traverses this rejection. Claims 1, 18, and 44 each require a threaded vessel having a non-circular vessel flange of substantially the same shape as the cap flange. No showing has been made of any flange on the cap 30. Any flange on the cap is limited to the protrusion 50, which is not substantially the same shape as the flange 12 of the vessel 2. As such, not all of the elements of claims 1, 18, and 44 are shown in Ryder, and as such, the claims are allowable. Claims 2-3, 40-43, and 45 depend from and further define one of patentably distinct claims 1 or 44, and are also believed allowable.

Further, no showing has been made of where the disjointed threads of Ryder start about 90 degrees apart as is recited in claim 3. Also, the groups recited in claims 41 and 43 are not shown in Ryder. Still further, the limitations of claims 43-47 are not shown, as no discussion of the amount of rotation necessary to secure the cap to the vessel is taught or disclosed. Claims 1-3, 18, and 40-47 are allowable.

Claims 1, 4-5, 18 and 40-47 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Mar et al. (U.S. Patent 4,512,484). Applicant strongly traverses this rejection, as the cap and vessel shown in Mar have no flanges, but instead have a set of protrusions only. Calling a single protrusion or a small set of protrusions a flange does

not make it or them a flange. In fact, the only flange discussed in Mar is the flange on the locking pin 36, which is separate from the cap 20. Claims 1, 18, 44, and 46 require flanges, and as such are not anticipated by Mar.

Claim 4 recites that “the cap flange and vessel flange each have four sides of about the same length” and claim 5 recites that “the cap flange and the vessel flange are substantially square.” Neither of these restrictions is shown or taught in Mar.

Applicant has reviewed Mar and found no indication or suggestion in either of a threaded cap that is secured to a threaded vessel after being rotated in one direction *approximately 180 degrees or less*, as in claim 44. Claim 45 depends directly from patentably distinct claim 44 and is also believed allowable. Claim 46 includes securing the threaded cap to the threaded vessel a first time by rotating the threaded cap in one direction *approximately 180 degrees or less*. Applicant has further reviewed Mar and found no indication or suggestion in either of a threaded cap that is secured to a threaded vessel after being rotated in one direction *approximately 180 degrees or less*, as in claim 46. Claim 46 should also be allowed. Claim 47 depends from and further defines patentably distinct claim 46 and is also believed allowable.

Also, the groups recited in claims 41 and 43 are not shown in Mar.

Claims 1, 18, 40, 42 and 44-47 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Floyd (U.S. Patent 4,904,450). Applicant traverses this rejection. Floyd also suffers from some of the same deficiencies as Konefal et al, Ryder, and Mar, outlined above. Specifically, the “gripping lugs” of the vessel and cap are not flanges, and even if they are, they are not substantially the same shape as each other, as is clearly evidenced by viewing Figure 4.

Still further, Applicant has reviewed Floyd and found no indication or suggestion in either of a threaded cap that is secured to a threaded vessel after being rotated in one direction *approximately 180 degrees or less*, as in claim 44. Claim 45 depends directly from patentably distinct claim 44 and is also believed allowable. Claim 46 includes securing the threaded cap to the threaded vessel a first time by rotating the threaded cap in one direction *approximately 180 degrees or less*. Applicant has further reviewed Floyd and found no indication or suggestion in either of a threaded cap that is secured to a

threaded vessel after being rotated in one direction *approximately 180 degrees or less*, as in claim 46. Claim 46 should also be allowed. Claim 47 depends from and further defines patentably distinct claim 46 and is also believed allowable.

Also, the groups recited in claims 41 and 43 are not shown in Floyd.

Rejections Under 35 U.S.C. §103

Claims 44-47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Konefal et al. in view of Long, Jr. (U.S. Patent 5,673,222). The arguments presented above in support of the allowance of claims 44-47 over Konefal et al. apply equally here, as Long et al. does not add anything to the analysis of the disputed elements discussed in the 102 rejection of claims 44-47. Therefore, no combination of Konefal et al. and Long et al. recites the elements of the claims. As such, no *prima facie* case has been made, and claims 44-47 are allowable.

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ryder or Mar. Claim 19 depends from and further defines patentably distinct claim 18, which has been shown to be allowable over both Ryder and Mar above, and is also believed allowable.

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mar. Claim 12 depends from and further defines patentably distinct claim 1, which has been shown to be allowable over Mar above, and is also believed allowable.

Claims 12 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Floyd. Claims 12 and 19 depend from and further define one of patentably distinct claims 1 or 18, which have been shown to be allowable over Floyd above, and are also believed allowable.

Claims 6-9 and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mar, as applied to claims 4, 18 and 44 above, further in view of Long, Jr. Claims 6-9 and 19-22 depend from and further define one of patentably distinct claims 1 or 18, which have been shown to be allowable over Floyd above. Long et al. does not add anything to the analysis of the disputed elements discussed in the 102


rejection of base claims 1 or 18, or of claims 4 (which recites that “the cap flange and vessel flange each have four sides of about the same length”) or 44 (although Applicant does not see how any rejection of claim 44 applies to any of claims 6-9 or 19-22 which are not dependent on claim 44). Therefore, no combination of Mar and Long et al. recites the elements of the claims. As such, no *prima facie* case has been made, and claims 6-9 and 19-22 are allowable.

CONCLUSION

Applicant believes that the claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. If the Examiner has any questions regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

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